

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

**DEFENDANT CITY OF HIGHLAND PARK’S LOCAL RULE 78.5 MOTION
REQUESTING AN EXPEDITED RULING IN LIGHT OF PENDING APPEALS**

Pursuant to Local Rule 78.5, Defendant City of Highland Park, Illinois (“Highland Park”) respectfully requests that this Court issue an expedited ruling on Plaintiffs’ pending Motion for Preliminary Injunction (“Motion”). Dkt. 7.

On October 7, 2022, Plaintiffs filed the Motion seeking to enjoin enforcement of Highland Park Ordinance No. 68-13, which prohibits the manufacture, sale, and possession of assault weapons and large-capacity magazines. *Id.* The Motion was fully briefed on March 13, 2023. *See* Dkt. 87. While the Motion has been pending for more than seven months, Highland Park recognizes that it has been fully briefed for only eight weeks. Highland Park also recognizes the significant number of cases before this Court, and appreciates that this Court has only recently completed a multi-week criminal trial. However, due to recently filed and ongoing appeals in several related cases raising essentially the same issues as in this case, Highland Park respectfully requests an expedited ruling on Plaintiffs’ Motion.

In particular, during the pendency of this lawsuit, two other cases were filed in the Northern District of Illinois and four cases were filed in the Southern District of Illinois that raised Second Amendment challenges to similar State and local regulations of assault weapons

and large-capacity magazines. In each of those cases, the district court ruled on the plaintiffs’ motion for a preliminary injunction, and all of those cases are now currently on appeal. *See* Dkt. 91, Notice of Supplemental Authority (discussing Judge Jenkins’s ruling in *Herrera v. Raoul*, No. 23-cv-532, 2023 WL 3074799 (N.D. Ill. Apr. 25, 2023), and Judge McGlynn’s ruling in *Barnett v. Raoul*, No. 23-cv-209, 2023 WL 3160285 (S.D. Ill. Apr. 28, 2023) (consolidated cases)); *see also* *Bevis v. City of Naperville*, No. 22-cv-4775, 2023 WL 2077392 (N.D. Ill. Feb. 17, 2023) (opinion of Judge Kendall). Briefing is currently underway in the Seventh Circuit in all of these appeals.¹

An expedited ruling on Plaintiffs’ Motion will promote the efficient use of judicial resources by giving the losing party an opportunity to appeal in time for the Seventh Circuit to consider all of these cases in a coordinated fashion. This will in turn reduce the risk of serial appellate proceedings involving the same issues—a risk the Seventh Circuit has recently urged district courts to minimize. *Cf. Ewing v. Carrier*, 35 F.4th 592, 594 (7th Cir. 2022) (“judiciary has an interest ... in avoiding messy, duplicative litigation” and multiple appeals involving the same issues). Moreover, an expedited ruling will give the parties in this case an opportunity to participate in the Seventh Circuit’s consideration of these important issues. Highland Park respectfully submits that each government Defendant has a legitimate interest in defending the constitutionality of its statute or ordinance, based on its own record and arguments.

In light of these considerations, Highland Park respectfully requests an expedited ruling on the pending preliminary injunction motion. Highland Park believes that the Motion can be resolved on the papers without oral argument, but would of course be available to present oral

¹ *See Herrera v. Raoul*, No. 23-1793 (7th Cir.); *Barnett v. Raoul*, No. 23-1825 (7th Cir.); *Bevis v. City of Naperville*, No. 23-1353 (7th Cir.).

argument if the Court desires, including during the week of May 15, 2023.

Dated: May 8, 2023

Respectfully submitted,

/s/ David H. Hoffman

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